

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

YELENA BIRD, et al.,

Plaintiffs,

v.

Civ. 08-0851 BB/LAM

**REGENTS OF NEW MEXICO STATE
UNIVERSITY, et al.**

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DEFENDANT REGENTS
OF NEW MEXICO STATE UNIVERSITY TO PRODUCE E-MAILS WITHHELD ON THE
BASIS OF PRIVILEGE AND TO DEEM PRIVILEGE WAIVED (Doc. 233)**

THIS MATTER is before the Court on Plaintiffs' *Motion to Compel Defendant Regents of New Mexico State University to Produce E-mails Withheld on the Basis of Privilege and to Deem Privilege Waived* (Doc. 233), filed June 7, 2010. In their motion, Plaintiffs state that Defendant Regents of New Mexico State University (hereinafter "Defendant") has failed to produce a privilege log regarding e-mails to and from Defendant Larry Olsen, despite numerous assurances that the privilege log would be produced. *Document 233* at 2. Plaintiffs ask the Court to find that any privilege concerning the e-mails has been waived by failure to produce the privilege log, and to compel Defendant to produce the e-mails that were withheld on the basis of privilege. *Id.* at 3. On June 21, 2010, Defendant filed its response to Plaintiffs' motion, stating simply that "it will make available the emails requested by the Plaintiffs in their Motion filed on June 7, 2010 pursuant to Document 233."

IT IS THEREFORE ORDERED that Plaintiffs' *Motion to Compel Defendant Regents of New Mexico State University to Produce E-mails Withheld on the Basis of Privilege and to Deem Privilege Waived* (Doc. 233) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant shall produce the e-mails to and from Defendant Olsen that were previously withheld on the basis of attorney-client privilege **by Friday, June 25, 2010.**

IT IS SO ORDERED.

Lourdes A. Martinez

LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE